

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL J. NISSEN,

Plaintiff,

v.

No. 20-cv-240 KWR-SCY

FNU KARLOVICH, *et al*,

Defendants.


ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to make an initial partial payment in connection with his Prisoner Civil Rights Complaint (Doc. 1). By an Order entered March 23, 2020, the Court granted leave to proceed *in forma pauperis* and assessed an initial partial payment of \$21.28. That amount represents: "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." 28 U.S.C. § 1915(b). The Order warned that if Plaintiff failed to timely make his payment or show cause for such failure, the Court would dismiss the case without further notice. (Doc. 3 at 2).

The payment deadline was April 22, 2020. Plaintiff failed to comply or otherwise respond to the Order. Accordingly, the Court will therefore dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED that Michael Nissen's Prisoner Civil Rights Complaint (Doc. 1) is

DISMISSED without prejudice; and the Court will enter a separate judgment closing the civil case.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE